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**S-3269**  
**RAINEYBROOK SUBDIVISION, PART 2, SECTION 2**  
**Authorization to file a Belated Request for**  
**Primary Approval Extension**

**STAFF REPORT**  
**March 31, 2011**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

The subdivider, RBROOK, LLC (represented by Tim Balensiefer of TBIRD Design Services), is requesting a vote to authorize the filing of a belated primary approval extension request for the original conditional primary approval granted on February 19, 2003 for a 67-lot single-family subdivision on 34.46 acres, located on the north side of CR 500 S, 3/4 mile west of US 231, in Wea 18 (SW) 22-4.

**STAFF COMMENTS**

It has been three years since the primary approval expired in 2008. However, prior to that the construction plans for the entire project were approved in July 2004, and half of the lots were finalized in a plat recorded on November 7, 2005 (34 lots in Raineybrook Subdivision, Part 2, Section 2, Phase 1). According to our 2010 aerial photography, 17 lots are occupied by homes. Phase 1 streets, sanitary sewer mains, and water mains have been installed and accepted for maintenance. However, it is not clear that all stormwater improvements have been approved, and bonding for sidewalks in this phase does need to be updated.

In the short term, the subdivider wishes to revive the preliminary plat to record one lot in the next phase (Lot 233) that has frontage on an existing street (Topsail Trace). This lot is occupied by a home built before the preliminary plat was approved.

Staff does not believe there have been any changes in zoning restrictions or subdivision regulations since February 2003 that would warrant revisions to the original conditional primary approval. However, because some public improvement standards may have changed in the past seven years, the construction plans should be reviewed by our participating jurisdictions and if necessary reapproved before construction of the next phase begins.

**STAFF RECOMMENDATION:**

Approval to authorize the filing of the belated extension request for two 2-year extensions.

If authorized, the belated request will be placed on the April 20<sup>th</sup> APC agenda. If approved, this would extend the primary approval to February 19, 2012 (4 years from the original primary approval expiration date of February 19, 2008).